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**SUPERANNUATION BOARD**

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SD301\*

Fire Brigades Superannuation Act 1985

**Fire Brigades (Superannuation Fund)  
Amendment Regulations 2001**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Fire Brigades  
(Superannuation Fund) Amendment Regulations 2001*.

**2. The regulations amended**

The amendments in these regulations are to the *Fire Brigades (Superannuation Fund) Regulations 1986\**.

[\* Reprinted as at 11 October 1994.

For amendments to 1 March 2001 see 1999 Index to Legislation of Western Australia, Table 4, pp. 87-8, and Gazette 18 August 2000.]

**3. Regulation 3 amended**

Regulation 3(1) is amended in the definition of “supplementary disablement benefit” by inserting after “23B” —

“ or 23BA ”.

**4. Regulation 21B amended**

- (1) Regulation 21B(1) is amended by deleting “and 22” and inserting instead —

“ , 22, 23B and 23BA ”.

- (2) After regulation 21B(3) the following subregulation is inserted —

“

- (3a) The Board must not transfer a supplementary disablement benefit under subregulation (2) or (3) unless the benefit is to be paid as a lump sum and has become payable to the member.

”.

**5. Regulation 23B amended**

- (1) Regulation 23B(3) is amended as follows:

- (a) at the end of paragraph (c) by deleting the full stop and inserting instead —

“ ; or ”;

- (b) after paragraph (c) by inserting the following paragraph —

“

- (d) in a lump sum payable as soon as possible after the member becomes entitled to the partial and permanent disablement benefit.

”.

- (2) Regulation 23B(7) is amended by inserting after “subregulation (3)” —

“ (c) ”.

- (3) After regulation 23B(7) the following subregulation is inserted —

“

- (7a) The amount of the lump sum of supplementary disablement benefit payable to a beneficiary under an

election under subregulation (3)(d) is an amount equal to the member's maximum benefit.

”.

#### 6. Regulation 23BA amended

(1) Regulation 23BA(1) is amended as follows:

(a) by inserting after “regulation 23B(3)” —

“ (c) ”;

(b) by deleting “paid in monthly instalments.” and inserting instead —

“

paid —

(a) in monthly instalments payable on the first day of each month from the month after the month in which the election is made until the end of the 5 year period referred to in regulation 23B(3)(c); or

(b) in a lump sum payable as soon as practicable after the election is made.

”.

(2) Regulation 23BA(2) is amended by inserting after “subregulation (1)” —

“ (a) ”.

(3) After regulation 23BA(2) the following subregulation is inserted —

“

(2a) The amount of the lump sum payable to a beneficiary who elects to be paid a lump sum under subregulation (1)(b) is calculated in accordance with Schedule 9.

”.

(4) Regulation 23BA(3) is amended as follows:

(a) by inserting after “regulation 23B(3)” —

“ (a) ”;

(b) by deleting “benefit in a lump sum payable 5 years after the end of the relevant month.” and inserting instead —

“

benefit —

(a) in a lump sum payable 5 years after the end of the relevant month; or

(b) in a lump sum payable as soon as practicable after the election is made.

”.

(5) Regulation 23BA(4) is amended by inserting after “subregulation (3)” —

“ (a) ”.

- (6) After regulation 23BA(4) the following subregulation is inserted —
- “
- (4a) The amount of the lump sum payable to a beneficiary who elects to be paid a lump sum under subregulation (3)(b) is calculated in accordance with Schedule 7.
- ”.

- (7) Regulation 23BA(5) is repealed and the following subregulation is inserted instead —
- “
- (5) A beneficiary who elected under regulation 23B(3)(b) to be paid a supplementary disablement benefit in annual instalments may —
- (a) at any time before the fourth instalment is paid, elect to be paid the remainder of the benefit in a lump sum payable 5 years after the end of the relevant month; or
- (b) at any time before the last instalment is paid, elect to be paid the remainder of the benefit in a lump sum payable as soon as practicable after the election is made.
- ”.

- (8) Regulation 23BA(6) is amended by inserting after “subregulation (5)” —

“ (a) ”.

- (9) After regulation 23BA(6) the following subregulation is inserted —

“

(6a) The amount of the lump sum payable to a beneficiary who elects to be paid a lump sum under subregulation (5)(b) is calculated in accordance with Schedule 8.

”.

## 7. Regulation 23C replaced

Regulation 23C is repealed and the following regulation is inserted instead —

“

### **23C. Benefit on death of supplementary disablement beneficiary**

- (1) If a member entitled to a supplementary disablement benefit dies before all of the benefit has been paid, a lump sum shall be paid from the Superannuation Fund in the manner provided in regulation 25.

- (2) The amount of the lump sum payable under subregulation (1) is an amount calculated in accordance with —
- (a) if the member's last election was an election under regulation 23B(3)(a) or 23BA(1)(a) for the benefit to be paid in monthly instalments — Schedule 7;
  - (b) if the member's last election was an election under regulation 23B(3)(b) for the benefit to be paid in annual instalments — Schedule 8; or
  - (c) if the member's last election was an election under regulation 23B(3)(c) or 23BA(3)(a) or (5)(a) for the benefit to be paid as a lump sum after 5 years — Schedule 9.
- (3) In this regulation —
- “last election”** of a member, means the last election made by the member under regulation 23B or 23BA as to the manner in which the member's supplementary disablement benefit was to be paid.

#### 8. Regulation 23D amended

- (1) Regulation 23D(1) is amended as follows:
- (a) by inserting after “regulations 23B” —  
“ , 23BA ”;
  - (b) in paragraph (a)(ii) by deleting “regulation 23B(3) or 23B(4)” and inserting instead —  
“  
regulation 23B(5), 23B(6) or 23BA(2)  
(as the case requires)”.
- (2) Regulation 23D(2) is amended as follows:
- (a) by inserting after “regulations 23B” —  
“ , 23BA ”;
  - (b) in paragraph (a)(ii) by deleting “regulation 23B(3) or 23B(4)” and inserting instead —  
“  
regulation 23B(5), 23B(6) or 23BA(2)  
(as the case requires)”.

#### 9. Schedule 4 amended

The heading to Schedule 4 is amended by deleting “[r. 21(c)]” and inserting instead —

“ [r. 21(1)(c)] ”.

**10. Schedule 7 amended**

- (1) The heading to Schedule 7 is amended as follows:
  - (a) by deleting “[Regulation 23C(1)]” and inserting instead —  
“ [rr. 23BA(4a) and 23C(2)(a)] ”;
  - (b) after “CALCULATION OF” by inserting —  
“ **LUMP SUM OR** ”;
  - (c) by deleting “PAYMENT” and inserting instead —  
“ **ELECTION** ”.
- (2) Schedule 7 is amended as follows:
  - (a) in the first paragraph, by deleting “sum death” and inserting instead —  
“ sum or death ”;
  - (b) in the definition of “DB” by inserting after “the” —  
“ lump sum or ”;
  - (c) in paragraphs (a) and (b) of the definition of “MIB” by inserting after “he died” —  
“ or made the election under regulation 23BA(3)(b) ”;
  - (d) in the definition of “n” by deleting “up to the time of his death” and inserting instead —  
“  
before he died or made the election under  
regulation 23BA(3)(b)  
”;
  - (e) in the definition of “i” by inserting after “23B(5)” —  
“ or 23BA(2) ”.

**11. Schedule 8 amended**

- (1) The heading to Schedule 8 is amended as follows:
  - (a) by deleting “[Regulation 23C(2)]” and inserting instead —  
“ [rr. 23BA(6a) and 23C(2)(b)] ”;
  - (b) after “CALCULATION OF” by inserting —  
“ **LUMP SUM OR** ”;
  - (c) by deleting “PAYMENT” and inserting instead —  
“ **ELECTION** ”.
- (2) Schedule 8 is amended as follows:
  - (a) in the first paragraph, by deleting “sum death” and inserting instead —  
“ sum or death ”;
  - (b) in the definition of “DB” by inserting after “the” —  
“ lump sum or ”;

- (c) in paragraphs (a) and (b) of the definition of “AIB” by inserting after “he died” —  
 “ or made the election under regulation 23BA(5)(b) ”;
- (d) in the definition of “n” by deleting “up to the time of his death” and inserting instead —  
 “  
 before he died or made the election under  
 regulation 23BA(5)(b)  
 ”.

## 12. Schedule 9 amended

- (1) The heading to Schedule 9 is amended as follows:
- (a) by deleting “[Regulation 23C(3)]” and inserting instead —  
 “ [rr. 23BA(2a) and 23C(2)(c)] ”;
- (b) by deleting “DEATH BENEFIT” and inserting instead —  
 “  
**LUMP SUM OR DEATH BENEFIT AFTER  
 ELECTION OF LUMP SUM BENEFIT  
 AFTER 5 YEARS**  
 ”.
- (2) Schedule 9 is amended as follows:
- (a) in the first paragraph by inserting before “death” —  
 “ lump sum or ”;
- (b) in the definition of “DB” by inserting after “the” —  
 “ lump sum or ”;
- (c) in the definition of “LSB” by inserting after “not died” —  
 “ or made the election under regulation 23BA(1)(b) ”;
- (d) in the definition of “n” by deleting “of death” and inserting instead —  
 “  
 the member died or made the election under  
 regulation 23BA(1)(b)  
 ”;
- (e) in the definition of “i” by inserting after “23B(7)” —  
 “ or 23BA(3)(a) or 23BA(5)(a) ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.